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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,663	05/03/2006	Achim Menne	VOI0256	4314
832 BAKER & DAI	7590 11/04/200 NIELS LLP	EXAMINER		
111 E. WAYNE	E STREET	BONCK, RODNEY H		
SUITE 800 FORT WAYNE, IN 46802			ART UNIT	PAPER NUMBER
			3655	
			MAIL DATE	DELIVERY MODE
			11/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		10/595,663	MENNE, ACHIM			
		Examiner	Art Unit			
		Rodney H. Bonck	3655			
Period fo	The MAILING DATE of this communication app or Reply	pears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) 又	Responsive to communication(s) filed on <u>07 A</u>	uaust 2009				
· · · · · · · · · · · · · · · · · · ·	This action is FINAL . 2b) ☐ This action is non-final.					
<i>'</i> —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
٥,١	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)⊠	☑ Claim(s) <u>19-41</u> is/are pending in the application.					
•	4a) Of the above claim(s) is/are withdrawn from consideration.					
	☐ Claim(s) 19-40 is/are allowed.					
· · _ ·)⊠ Claim(s) <u>19-40</u> is/are allowed.)⊠ Claim(s) <u>41</u> is/are rejected.					
·	Claim(s) is/are objected to.					
•	Claim(s) are subject to restriction and/o	r election requirement.				
	on Papers					
-	The specification is objected to by the Examine					
10)	The drawing(s) filed on is/are: a) acc					
	Applicant may not request that any objection to the	- · · · · · · · · · · · · · · · · · · ·	, ,			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority ι	ınder 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notic 3) Inform	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate			

DETAILED ACTION

The following action is in response to the amendment received August 7, 2009. Claims 19-41 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no proper antecedent basis for "said second adjusting device" recited in the next-to-last line of claim 41.

Allowable Subject Matter

Claims 19-40 are allowed.

Claim 41 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

Applicant's arguments, filed August 7, 2009, have been fully considered and are persuasive. The rejections of claims 19-41 under 35 USC 112, 2nd paragraph, as set forth in the previous Office action, are withdrawn. Claims 19-40 are believed to

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distinguish over the prior art of record for the reasons set forth in applicant's remarks, pages 13-14 of the response filed August 7, 2009. Accordingly, the rejection of claims 19-38 under 35 USC 103(a) is withdrawn. Claim 41 is rejected under 35 USC 112, 2nd paragraph, because the claim now lacks an antecedent basis for "said second adjusting device". It appears that a section of the independent claim was omitted in rewriting the claim in independent form.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571)

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272-7089. The examiner can normally be reached on Monday-Friday 7:00AM -

3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David D. Le can be reached on (571) 272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney H. Bonck/ Primary Examiner, Art Unit 3655

rhb

November 2, 2009